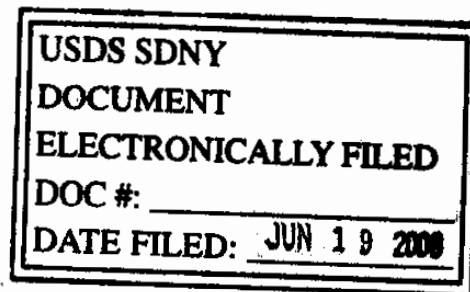


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June 18, 2008

**Via E-Mail: CrottyNYSDChambers@nysd.uscourts.gov**

Hon. Judge Paul A. Crotty  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Kara Garza and Eliseo Garza v. Bausch & Lomb Incorporated  
08-CV-4151(PAC)  
Our File No: 622-1001

**REQUEST FOR ADJOURNMENT  
OF THE INITIAL PRE-TRIAL CONFERENCE**

Dear Judge Crotty:

We represent defendant Bausch & Lomb Incorporated in the above-referenced action and we are writing in response to your Initial Pre-Trial Conference Order dated June 10, 2008, which directs, among other things, that a conference before Your Honor be held on June 25, 2008. We are requesting that the conference be adjourned *sine die* pending transfer of this case to the Bausch & Lomb MultiDistrict Litigation (MDL), MDL No. 1785, before Judge David C. Norton of the United States District Court for the District of South Carolina. This is the first such request and it is being made with the consent of all parties to this action. A discovery schedule has not been set forth, accordingly, a revised scheduling order is not necessary. We anticipate that this matter will be transferred to the MDL in the near future, and, accordingly, are requesting that the adjournment be granted without a date. This matter was identified as a "tag-along" on June 11, 2008.

As one of the aims of the MDL is to avoid the duplication of discovery, the likelihood of inconsistent pre-trial rulings, and the mismanagement of judicial resources, we respectfully request that this Court refrain from imposing any discovery mandates or from conducting any pre-trial conferences during the MDL transfer process. Based on our experience thus far, we

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MEMO ENDORSED

MEMO ENDORSED

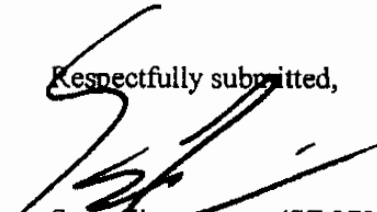


Hon. Judge Crotty  
Re: Garza, et al. v. Bausch & Lomb Incorporated  
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anticipate that a Conditional Transfer Order will be issued in approximately three weeks from the initial request for an action's "tag-along" designation, and have been advised that plaintiffs will not oppose the transfer of this matter.

Thank you for your consideration.

Respectfully submitted,



Scott Zimmerman (SZ 2735)

SMZ/av

cc: Andrew Finkelstein, Esq.  
Mary Ellen Wright, Esq.  
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\* SO ORDERED: JUN 19 2008



HON. PAULA A. CROTTY  
UNITED STATES DISTRICT JUDGE